

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2006 AUG -8 AM 10:17

AUGUSTA DIVISION


CLERK B McCarthy
SO. DIST. OF GA.

RONALD G. LORD,)
)
Plaintiff,)
)
v.) CV 105-126
)
JOE PEEBLES and DARYL WILEY,)
)
Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed.¹ Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Defendant Wiley's motion for summary judgment is **GRANTED**.

SO ORDERED this 8th day of August, 2006, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE

¹ Plaintiff instead filed a "motion to dismiss without prejudice" on July 14, 2006, ostensibly seeking to dismiss his own claims voluntarily before the Court rules on Defendant Wiley's summary judgment motion. Plaintiff, however, has not complied with requirements for voluntary dismissal listed in Rule 41(a)(1) of the Federal Rules of Civil Procedure. The Court does not otherwise find voluntary dismissal to be appropriate in this case. Plaintiff filed this action in August 2005 and has filed voluminous, often frivolous motions since. Discovery in this case has been completed, the merits of this action have been litigated, and Defendant Peebles, for the reasons set forth in the Magistrate Judge's Report and Recommendation, has shown that he is entitled to judgment in this case. Plaintiff's motion to dismiss this action voluntarily, Doc. 106, accordingly is **DENIED**.